

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SUMMIT CARBON SOLUTIONS, LLC, Petitioner, v. IOWA UTILITIES BOARD, Respondent.	Case No. CVCV062900 STATEMENT IN LIEU OF BRIEF
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COMES NOW Respondent Iowa Utilities Board (Board), by and through its undersigned counsel, and provides the following Statement in Lieu of Brief. The purpose of this statement is to provide a clear recitation of the administrative record in regard to the public records request which is the subject of this action for injunctive relief. As this is not a judicial review proceeding, no certified record is required or provided. Therefore, a procedural history may be assistive to the District Court.

1. On August 13, 2021, Summit Carbon Solutions, LLC (Summit) submitted a Request for Confidential Treatment for informational meeting landowner mailing lists to be submitted in in Iowa Utilities Board Docket No. HLP-2021-0001.

2. On November 19, 2021, Sierra Club, Iowa Chapter (Sierra Club) filed a “Motion to Release Landowner List” in HLP-2021-0001 and included within that motion a request pursuant to Iowa Code Chapter 22 for the release of the informational meeting landowner mailing lists.

3. On November 23, 2021, the Board issued an “Order Granting in Part and Denying in Part Request for Confidential Treatment, with Dissenting Opinion.” In that Order, the Board found portions of the informational meeting landowner mailing lists to be confidential pursuant

to Iowa Code Chapter 22 and indicated that such confidential portions shall be withheld from public inspection.

4. Pursuant to 199 Iowa Administrative Code (IAC) 1.9(8)"b"(3), following a request for the examination of records determined to be confidential pursuant to Board rules and Iowa Code Chapter 22, the Board will provide notice to the parties and will withhold the records for 14 days to allow the party who submitted the material to seek injunctive relief. If injunctive relief is not requested within the 14-day period, the Board will produce the records for inspection.

5. On November 30, 2021 the Board provided Summit with written notice that pursuant to Rule 1.9(8)"b"(3) the informational meeting landowner mailing lists would be released to Sierra Club unless injunctive relief was sought by Summit.

6. In the above-captioned case, Summit filed a request injunctive relief on December 14, 2021.

7. Consistent with 199 IAC 1.9(8), the Board has withheld the records that are the subject of the requested injunction until such time as a determination is made by the Court as to the confidentiality of such records.

8. Upon final determination of this matter by the Court, the Board will proceed in accordance with said determination.

WHEREFORE Respondent Iowa Utilities Board requests this Court grant such relief as may be just and equitable under the circumstances.

Respectfully submitted,

/s/ Jon Tack
JON TACK (AT0007738)
Iowa Utilities Board
1375 East Court Avenue
Des Moines, IA 50319-0069
Telephone: 515-725-0552
Fax: 515-725-7398
E-mail: jon.tack@iub.iowa.gov

ALL PARTIES SERVED ELECTRONICALLY